

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

JUL -7 2008

DAVID J. WALAND, CLERK
BY
DEPUTY _____

UNITED STATES OF AMERICA

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v.

CRAIG ALAN BITZER

CASE NO. 4:03CR157

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. The District Court has referred the matter to this Court for a report and recommendation.

On June 23, 2004, the Defendant was sentenced by the Honorable Paul Brown, United States District Judge, to 40 months imprisonment, followed by a three-year term of supervised release for the offense of Receipt of Child Pornography. On October 27, 2006, Defendant completed his period of imprisonment and began service of his supervised term. On May 29, 2007, this matter was reassigned to the Honorable Michael H. Schneider.

On July 20, 2007, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender Under Supervision (Dkt. 36), alleging several violations of Defendant's conditions of supervised release. On August 13, 2007, Defendant appeared before this Court and represented that he had been accepted into an outpatient sex offender treatment program. This Court continued the final hearing on the revocation of Defendant's supervised release pending Defendant's completion of the treatment program. Since that hearing, the U.S. Probation Office has kept the Court apprised of Defendant's treatment and compliance with his conditions of supervised release. On May 30,

2008, the Court received correspondence from the U.S. Probation Office, advising that Defendant has made satisfactory progress in his treatment and is in compliance with his conditions of supervised release and requesting that the Petition for Warrant or Summons for Offender on Supervision be withdrawn and that Defendant continue on supervised release under his current conditions of supervision.

Having reviewed the record and correspondence from the U.S. Probation Office, the Court finds that Defendant's supervised release should not be revoked at this time. Therefore, the Court recommends that the Petition for Warrant or Summons for Offender Under Supervision (Dkt. 36) be ordered WITHDRAWN and that Defendant continue on supervised release under his current conditions of supervision.

SIGNED this 7 day of July, 2008.


DON D. BUSH
UNITED STATES MAGISTRATE JUDGE